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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,968	08/29/2006	Kanji Wakabayashi	2006_1413A	5622

53349 7590 12/24/2008  
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EXAMINER

EDUN, MOHAMMAD N

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/590,968

**Applicant(s)**

WAKABAYASHI ET AL.

**Examiner**

MUHAMMAD N. EDUN

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/29/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34, 36, 37, 39-43 and 59-64 is/are rejected.
- 7) ☒ Claim(s) 35, 38 and 40-58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Claim Rejections - 35 USC § 112**

**Claims 59-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 59-64 are deemed improper independent claims because they do not limit the optical head apparatus of independent claim 1. The claims would be in better form for examination if presented in independent form, and they would also clarify the subject matter which applicant regards as the invention.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 34, 36, 37, 39-43 and 59-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuhiko (JPA 10106022).**

Kazuhiko discloses the invention as claimed. The reference show the optical head apparatus comprising: a first optical system including a first light source (LD) and a first objective lens (L1) for focusing a first light beam emitted from the first light source upon a first optical disc (DVD); a second optical system including a second light source (LCP) emitting a second light beam having a wavelength longer than the first light source and a second objective lens (L2) for focusing the second light beam emitted from the second light source (LCP) upon a second optical disc (CD); and a deflecting element (M) including a first reflecting surface (not specifically labeled, for example M1 as shown in Fig. 2) for deflecting the first light beam and guiding the same toward the first objective lens in the first optical system, and a second reflecting surface (for example M2) for deflecting the second light beam and guiding the same toward the second objective lens in the second optical system, the first reflecting surface and the second reflecting surface being integrally formed (by the optical element M) with the deflecting element; wherein the second optical disc has an information recording density smaller than the first optical disc, and the first objective lens and the second objective lens are arranged along a tangential direction to a track on an optical disc (not specifically shown, however inherent to the apparatus in order to same radial track of the different disks), as set forth in the claims.

The reference further teaches: the first and second deflecting surfaces being opposite each other and deflects the different beams parallel to each other (see Fig. 1), as set forth in claim 36; the deflecting element being a triangular prism (M), as set forth in claim 37; the disk where the light source is irradiated includes a DVD (see the

abstract); as set forth in claim 39; the size and thickness of the different objective lenses being different (taken to be inherent to the apparatus in order to focus the beams having different wavelengths onto the surfaces of the DVD or CD), as set forth in claims 40 and 41; the light detector being disposed on opposite sides of the diverging element (not specifically shown but inherent to apparatus since the since both optical systems are opposite each other, see Fig. 1), as set forth in claim 43; and as discussed above claims 59-64 do not further limit the optical head apparatus of claim 1. See also the descriptions of the figures and apparatus for further details relating to the limitations as set forth in the claims.

**Allowable Subject Matter**

**Claims 35, 38 and 40-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**The following is a statement of reasons for the indication of allowable subject matter:**

The prior art of record alone or in combination does not teach or suggest the optical head apparatus of claim 1 having the further limitations as set forth in claims 35, 38 and 40-58.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD N. EDUN whose telephone number is 571-272-7617. The examiner can normally be reached on FLEXTIME.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/MUHAMMAD N EDUN/  
Primary Examiner, Art Unit 2627**